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10/740,269	12/18/2003	David Kinsky	1209-28	2261

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EXAMINER	
SAMUEL, DEWANDA A	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
10/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/740,269	KINSKY ET AL.	
	Examiner	Art Unit	
	DEWANDA SAMUEL	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12 June 2008*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-19* is/are allowed.

6)☒ Claim(s) *20-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to the communication filed 06/12/2008.

Claims 1,2,5,7-30 are pending .

Response to Arguments

1. Applicant's arguments with respect to claims 1,2,5,7-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) in view of Yokoyama (US Patent 9,47,739).

With regard to claim 20, a network system for notifying/communicating at least one failure message from at least one source to at least one destination, **(Puppa et al. discloses having a system and method for transmission of operation, administration and maintenance packets between ATM and switching networks upon failure (title). Puppa et al. further discloses having first communication**

network ("first network") comprising a OAM ("failure message") and a second communication network , interpreted a "second network", see page 2 paragraph 4-13); said system comprising: a first network associated with the source, generates a first frame, said first frame includes a failure notification message and a first destination address in a first format compatible with the first network,**(Puppa et al. discloses having a ATM network ("first network") detecting failure and upon failure an ATM OAM is generated and transmitted over ATM network to inform ATM edge switches 110(1) and 110(3) of the failure(page 4 paragraph 34);**a second network associated with the destination having a second format compatible with a second network (**Puppa discloses having MPLS network ("second network") comprised of a MPLS OAM frame interpreted as a "second frame", see page 5 paragraph 36).Puppa et al. further discloses MPLS frame format, see page 4 para[0028]). ;** and interworking facility receives the first frame, forms a second frame of a second format compatible with the second **network, (Puppa discloses having ATM and MPLS format conversion ...translating ATM cells and frames to MPLS frames ("forming a second frame", page 4 paragraph 26)... MPLS network ("second network") comprised of a MPLS OAM frame ("second frame", see page 5 paragraph 36);** and maps the first destination address to a second destination address specifying in the second format the destination address in the second network, so that the second network upon receipt of the second destination address routes the second frame to the destination, **(Puppa et al. discloses having a first and second network (page 3 paragraph 21-25. Puppa et al. further discloses having a MPLS frame**

contains first label field318 identifying information relating to the MPLS routing path, a second label field 320 contains connection information relationg to a particulatr ATM connection , see page 4 para[0028]); wherein said second frame includes the failure notification message,**(Puppa et al. discloses having a MPLS OAM frames ("second frame", see page 5 paragraph 35)**

However, Puppa et al. does not explicitly discloses mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination. Yokoyama discloses mapping a VLAN tag ("first address") to a VPINCI ("second address") for connection customer stations (column 4 line 1-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have first and second network as taught by Puppa et al. i'happing a VLAN tag ("first address") to a VPINCI ("second address") for connection customer stations as taught by Yokoyama providing a mechanism for efficiently routing information to a specific network.

With regard to claim 21, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein said failure notification message includes

automated Operations, Administration and Management traffic, (**see page 3 paragraph 19 and 20).**

With regard to claim 26, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein said source includes at least one Ethernet router,**(Puppa et al. discloses having a MPLS switch 118 ("Ethernet router", fig. 4). It is know in the art that different network devices can be implemented to the specific design of the network.**

With regard to claim 27, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein said destination includes at least one A TM router, (**Puppa et al. discloses having a ATM switch 106 ("ATM router" fig.4). It is know in the art that different network devices can be implemented to the specific design of the network).**

With regard to claim 28, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein said destination includes at least one frame relay router. **Puppa et al. discloses having a ATM switch 106 interpreted as a "frame relay router" , see fig.4).**

With regard to claim 29, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein said interworking facility includes Ethemet Interworking Switch, (**Puppa et al. discloses having a ATM/MPLS edge switch 122 ("Ethernet Interworking Switch" connected between a ATM network and a MPLS network.**

With regard to claim 30, in combination Puppa et alo and Yokoyama teaches the system recited in claim 20. wherein said second network includes Frame Relay Edge Switch,**(Puppa et al. discloses having a ATM edge switch 110(2) in fig. 5 , see page 7 paragraph 59).**

9. Claim 22 is rejected under 35 U.SoC. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) as applied to claim 20 above, and further in view of Mohan et al. (PC PUB 2004/0099949).

With regard to claim 22 in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein the first frame,**(Puppa et al. discloses having a MPLS frame ("first frame", page 4 paragraph 26).**
However, Puppa et al. does not disclose Ethemet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the

Ethernet-formatted first frame,**(Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in thei carrier networks, Ethernet OAM should be able to operate within a domain, between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph 31). In addition, Mohan discloses Ethernet OAM frame format ("Ethernet format") ... an optional VLAN tag may be used to identify a VLAN o.. the VLAN tag may also be used for other purposes as well , see page 5 paragraph 79).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") ... an optional VLAN tag may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

10. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) as applied to claims 1 and 20 above, and further in view of Fischer et al. (PG PUB 20040202199).

With regard to claim 23, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. wherein the second frame has an Asynchronous Transport (A TM) format and wherein the second destination address comprises an A TM Permanent Virtual Circuit (PVC) VPI/VCI value.. Puppa te al. discloses having a ATM cell ("Asynchronous Transport").

However Puppa et al. does not explicitly discloses second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag, **(Fischer et al. discloses having address resolution in IP interworking layer 2 point-to- point connection (title). Fischer et al. further discloses a ATM data in fig. 3 comprised of VPINCI ("PVC tag", page 2 paragraph 11 and 19).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPINCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 24, in Combination Puppa et al. and Yokoyama teaches the system recited in claim 20.wherein the first frame has an Asynchronous Transport (A TM) format and wherein the first destination address comprises an A TM PVC VPINCI value.. Puppa teal. discloses having a ATM cell ("Asynchronous Transport"). However Puppa et al. does not explicitly discloses second destination address

comprises an ATM Permanent Virtual Circuit (PVC) tag, **(Fischer et al. discloses having address resolution in IP interworking layer 2 point-to-point connection (title). Fischer et al. further discloses aATM data in fig. 3 comprised of VPINCI interpreted as "PVC tag", see page 2 paragraph 11 and 19).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPINCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 25, in combination Puppa et al., Yokoyama and Fischer teaches the system recited in claim 24. Ethernet-formatted first frame, **(Puppa et al. discloses having a MPLS frame interpreted as a "first frame", see page 4 paragraph 26).**

However, Puppa et al. does not disclose second frame has an Ethernet format and wherein the second destination address comprises a VLAN tag within the Ethernet-formatted first frame,(**Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in their carrier networks, Ethernet OAM should be able to operate within a domain, between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph**

3-1). In addition, Mohan discloses Ethernet OAM frame format ("Ethernet format") ... an optional VLAN tag may be used to identify a VLAN ... the VLAN tag may also be used for other purposes as well (page 5 paragraph 79).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") and optional VLAN tag may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

Allowable Subject Matter

3. Claim 1-19 are allowed.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEWANDA SAMUEL whose telephone number is (571)270-1213. The examiner can normally be reached on Monday- Thursday 8:30-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit 2616

/DeWanda Samuel/
Examiner, Art Unit 2416
11/1/2008